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By: **Delegates McComas, Boutin, Dumais, Frush, Menes, Petzold, Sossi, and  
F. Turner**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence - Protective Order - Penalty**

3 FOR the purpose of providing certain penalties for failure to comply with certain  
4 relief ordered by the court in a final protective order by not surrendering  
5 possession of certain firearms to law enforcement authorities for a certain time  
6 period; providing certain penalties for willful failure to complete a certain  
7 counseling or a domestic violence program ordered by the court in a final  
8 protective order; and generally relating to domestic violence.

9 BY repealing and reenacting, without amendments,  
10 Article - Family Law  
11 Section 4-506(d)(11) and (12)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Family Law  
16 Section 4-509  
17 Annotated Code of Maryland  
18 (1999 Replacement Volume and 2003 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Family Law**

22 4-506.

23 (d) The final protective order may include any or all of the following relief:

24 (11) direct the respondent or any or all of the persons eligible for relief to  
25 participate in professionally supervised counseling or a domestic violence program;

1           (12)     order the respondent to surrender to law enforcement authorities any  
2 firearm in the respondent's possession for the duration of the protective order; or  
3 4-509.

4       (a)       A person who fails to comply with the relief granted in an interim  
5 protective order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a  
6 temporary protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), or (v) of this subtitle,  
7 or a final protective order under § 4-506(d)(1), (2), (3), (4), [or] (5), OR (12) OF THIS  
8 SUBTITLE, OR A RESPONDENT WHO WILLFULLY FAILS TO COMPLETE COUNSELING  
9 OR A DOMESTIC VIOLENCE PROGRAM ORDERED UNDER § 4-506(D)(11) of this subtitle  
10 is guilty of a misdemeanor and on conviction is subject, for each offense, to:

11           (1)       for a first offense, a fine not exceeding \$1,000 or imprisonment not  
12 exceeding 90 days or both; and

13           (2)       for a second or subsequent offense, a fine not exceeding \$2,500 or  
14 imprisonment not exceeding 1 year or both.

15       (b)       An officer shall arrest with or without a warrant and take into custody a  
16 person who the officer has probable cause to believe is in violation of an interim,  
17 temporary, or final protective order in effect at the time of the violation.

18       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2004.